

In addition, the further requirements for obviousness (i.e. the art-skilled **would** combine prior art features and would expect the results as being obvious) also suffer from being adequately supported by facts. The arguments presented by the Examiner are merely:

- heterogeneous phosphines are known in the art,
- ortho-lithiation is known in the art,
- Grignard reactions are known in the art,
- there is reasonable expectation of success.

It remains so far unclear what the Examiner is exactly subsuming under "success". Probably nothing more than that "heterogeneous phosphines" can be made with a reasonable expectation of success.

However, this would miss one essential aspect of the instant invention as discussed below.

Thus, it has been previously mentioned that the surprising feature/finding of the invention is that primarily one diastereomer is obtained. This is essential for the skilled artisan, as this finding provides real value to the artisan, and which would not be the case if the preparation process, while leading to "heterogeneous phosphines", would only provide the phosphines in the form of a racemate. **In the Advisory Actions, there is no comment on this point, despite the fact that Applicants have so far attempted to focus the Examiner's attention on this point.**

Again, it is Applicants' position that this effect, which is indeed of great value, is not rendered obvious from the prior art. Assuming that there would be (not could be) a reasonable expectation of success for making "heterogeneous phosphines", there is absolutely nothing to be found in the cited prior art from which the skilled artisan would expect the high diastereoselectivity obtained in the preparation of the instant P-chiral "heterogeneous phosphines".

Thus, the Examiner is requested to reconsider his arguments, and in case he still concludes that the instant invention is rendered obvious by the cited prior art, then Applicants request that the Examiner provide his arguments as to why the skilled artisan would have had such a reasonable expectation of success (= the efficient stereoselective build up of P-chirality in "heterogeneous phosphines") from applying the instant sequence of reaction steps.

Such reasoning from the Examiner is necessary in order to advance prosecution of the application.

Respectfully submitted,

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